

Title XI – MISCELLANEOUS

Section-by-Section

Subtitle A – Agricultural Security

Part I – General Authority and Coordination

Section 11021. Policy.

Subsection (a) clarifies that Part I does not alter or impede any authority of the Department of Agriculture (USDA) or other applicable Federal departments and agencies to perform the responsibilities provided to USDA or other applicable Federal departments and agencies pursuant to Federal law.

Subsection (b) requires USDA to cooperate with the Department of Homeland Security (DHS) with the responsibilities of DHS and Homeland Security Presidential Directives (HSPD) 5, 7, 8, 9, and 10.

Section 11022. Interagency coordination.

Subsection (a) defines the role of DHS as the principal Federal agency to lead, coordinate, and integrate efforts by Federal departments and agencies, State, local, and tribal governments, and the private sector to enhance the agriculture and food system.

Subsection (b) defines the roles of USDA as the sector-specific lead for agricultural biosecurity efforts relating to agriculture, agricultural disease, meat, poultry, and egg food products. USDA and the Department of Health and Human Services (HHS) will coordinate during incidents relating to a zoonotic disease where the agent originated as an agricultural disease, or from a plant or animal population directly related to agriculture.

Subsection (c) defines the role of USDA and DHS during routine domestic incidents relating to a potential or actual agricultural disease. If a routine domestic incident of agricultural disease is determined by the USDA or DHS to pose a significant threat to the agricultural biosecurity of the United States, DHS shall serve as the principal Federal official to lead and coordinate the appropriate Federal response to the incident

Subsection (d) establishes the Office of Homeland Security at USDA and requires the Secretary to appoint a Director for the Office. The Director will coordinate all homeland security activities at USDA and serve as the primary liaison with other Federal agencies on homeland security coordination efforts. This subsection also establishes an Agricultural Biosecurity Communication Center to coordinate preparedness activities within USDA relating to agricultural biosecurity threats. The Agricultural Biosecurity Communication Center will coordinate with existing communication and coordination centers at DHS.

Section 11023. Submission of Integrated Food Defense Budget.

Requires USDA, DHS, and HHS to submit an integrated food defense budget to the Office of Management and Budget (OMB) and directs OMB, subject to the approval of the President, to include the integrated budget in the President's budget.

Section 11024. Transfer of Certain Agricultural Inspection Functions of the Department of Agriculture.

Repeals Section 421 of the Homeland Security Act of 2002 and inserts it in this Act.

Subsection (h) clarifies that nothing in the transfer of agricultural inspectors from USDA to DHS preempts USDA's role as the sector-specific lead for agricultural disease emergencies. This subsection also clarifies that USDA retains responsibility for other activities of the Agricultural Quarantine Inspection Program, such as pre-clearance of commodities, trade protocol verification, fumigation, quarantine, diagnosis, eradication, and indemnification. USDA also retains responsibility for export, interstate, and intrastate activities, and for all agricultural inspection training.

PART II – Agricultural Quarantine Inspection Program Improvement

Section 11031. Definitions

Defines the term “program” as the agricultural quarantine inspection program, and the term “Secretary” as the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

Section 11032. Joint Task Force.

Establishes, not later than 30 days after enactment, a USDA-DHS Joint Task Force to provide coordinated central planning and make recommendations for improving the agricultural quarantine inspection program. The task force will be composed of Animal and Plant Health Inspection Service (APHIS) and Customs and Border Protection (CBP) employees.

Section 11033. Advisory Board.

Establishes, not later than 180 days after enactment, an Agricultural Quarantine Inspection Program Advisory Board to advise USDA and DHS on policies and other issues related to the mission of the program. The Advisory Board will also ensure that interested stakeholders in the agriculture industry, state and local governments, and the general public have formal opportunities to provide input on improving the program.

Section 11034. Reports to Congress.

Requires USDA and DHS to jointly submit an annual report to Congress on resource needs and recommendations to improve agricultural inspections at ports of entry.

Section 11035. Port Risk Committees.

Requires USDA and DHS to jointly create, not later than 1 year after enactment, Port Risk Committees to service the agriculture mission for selected U.S. ports of entry as determined by DHS and USDA. The committees will determine necessary risk mitigation actions and regularly report to regional-level officials at APHIS and field office officials at CBP.

Section 11036. Emergency Response Planning at Ports of Entry.

Requires USDA and DHS to develop, not later than 1 year after enactment, a comprehensive plan to identify and deploy trained personnel when significant agricultural pests and disease are detected at ports of entry. USDA and DHS are also required to coordinate national continuity of operations plans and plans for ports of entry.

Section 11037. Plant Pest Identification Joint Plan

Requires USDA and DHS to prepare, not later than 1 year after enactment, a joint plan to establish standards for plant pest and disease identification, inspection techniques training and discard authority.

Section 11038. Liaison Officer Positions.

Subsection (a) requires the Secretary to establish a program liaison officer position in APHIS. The officer will be located in the same building as the highest ranking CBP official responsible for agricultural inspections at CBP.

Subsection (b) requires the Secretary, acting through CBP, to establish a program liaison officer position in CBP. The officer will be located in the same building as the highest ranking APHIS official responsible for agricultural inspections at APHIS.

Subsection (c) requires the liaison officers in subsections (a) and (b) to ensure daily communication between designated officials at APHIS and CBP.

Part III – Miscellaneous**Section 11041. Designation and Expedited Review and Approval of Qualified Agricultural Countermeasures.**

Requires USDA and DHS, in consultation with appropriate departments and agencies, to designate a list of qualified agricultural countermeasures to protect against the intentional introduction or natural occurrence of agricultural disease emergencies. Provides for expedited review of qualified agricultural countermeasures for use or further testing. Allows DHS and USDA, in consultation with appropriate departments and agencies, to de-list qualified agricultural countermeasures that are no longer effective in maintaining or enhancing the agricultural biosecurity of the United States.

Section 11042. Agricultural Disease Emergency Detection and Response.

Subsection (a)(1) requires DHS, in coordination with USDA and HHS, to assess potential agricultural biosecurity threats and determine which agricultural disease incidents or outbreaks would constitute an emergency.

Subsection (a)(2) requires, once an emergency determination has been made for a potential threat, each Federal agency to notify DHS of any applicable regulations or emergency response procedures that would be deployed during an outbreak of an agricultural disease.

Subsection (a)(3) requires DHS, in consultation with USDA and HHS, to share emergency procedure information with State, local and tribal governments, and to institute test exercises to determine effectiveness of emergency procedures.

Subsection (b) requires USDA and DHS to develop and deploy an advance surveillance system for the entry of potential agricultural biological threats, to develop standards and implementation guidelines to monitor those threats, to enhance animal and plant health

laboratory networks for diagnostic purposes. The data and information obtained through these activities will be integrated with the National Biosurveillance Integration Center at DHS.

Subsection (c) requires USDA, in consultation with DHS and HHS, to develop and validate on-site rapid diagnostic tools to be used in agricultural disease emergencies.

Subsection (d) requires USDA to coordinate emergency response procedures with State departments of agriculture and State and local agencies responsible for early disease detection and control. This subsection also requires USDA submit to Congress, not later than 180 days after enactment, an evaluation of the current staff, budgets and capabilities of regional coordinators at APHIS.

Subsection (e) requires USDA to establish an Agricultural Biosecurity Task Force to identify best practices for use in State or regional biosecurity programs.

Subsection (f) requires candidates for veterinary accreditation from USDA to receive training in foreign animal disease detection and response.

Section 11043. National Plant Disease Recovery System and National Veterinary Stockpile.

Subsection (a) establishes the National Plant Disease Recovery System (NPDRS). The NPDRS will include agricultural countermeasures, available within a single growing season, to respond to an outbreak of plant disease that poses a significant biosecurity threat.

Subsection (b) establishes the National Veterinary Stockpile (NVS). The NVS will include agricultural countermeasures, available to any State veterinarian not later than 24 hours after an official request, to leverage the infrastructure of the strategic national stockpile.

Section 11044. Research and Development of Agricultural Countermeasures.

Establishes a competitive grant program at USDA to stimulate research and development activity for qualified agricultural countermeasures. This section also provides for a waiver of the competitive grant process in the case of emergencies and permits the use of foreign animal and plant diseases in research and development activities. USDA will provide information to DHS on each grant funded through this authorization. Authorizes appropriations of \$50,000,000 for each fiscal year from 2008 to 2012.

Section 11045. Veterinary Workforce Grant Program.

Establishes a veterinary workforce grant program at USDA to increase the number of veterinarians trained in biosecurity. Authorizes such sums as necessary for each fiscal year from 2008 to 2012.

Section 11046. Assistance to Build Local Capacity in Biosecurity Planning, Preparedness, and Response.

Subsection (a) requires USDA to provide grants to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians. Authorizes such sums as necessary for each fiscal year from 2008 to 2012.

Subsection (b) requires USDA to provide grant and low-interest loan assistance to States for use in assessing agricultural disease response capability for food science and veterinary biosecurity planning. Authorizes \$25,000,000 for each fiscal year from 2008 to 2013.

Section 11047. Border Inspections of Agricultural Products.

Subsection (a) requires DHS, in consultation with USDA and HHS to coordinate with Federal intelligence officials to carry out increased inspections of agricultural products from countries with known capabilities to carry out an agroterrorist act.

Subsection (b) requires USDA, DHS and HHS to use a compatible communication system for inspections of agricultural products at the border in order to better coordinate the inspection process.

Section 11048. Live Virus of Foot and Mouth Disease Research.

Subsection (a) requires USDA to issue a permit to DHS for work on live Foot and Mouth Disease virus at the National Bio and Agro-Defense Laboratory.

Subsection (b) allows USDA to invalidate the permit if research is not conducted in accordance with USDA regulations.

Subsection (c) clarifies that the suspension, revocation or impairment of the permit shall only be made by the Secretary of Agriculture and is a nondelegable function.

Subtitle B – Other Programs

Sec.11051. Foreclosure.

Currently there is a USDA guidance that prohibits loan foreclosures when there is a pending claim of racial discrimination against the Department. This provision amends Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) to put into law what is already in place in a guidance at USDA.

Subsection (a) Moratorium. This section mandates a moratorium on all loan acceleration and foreclosure proceedings where there is a related pending claim of discrimination against the Department related to a loan acceleration or foreclosure. This section also waives any interest and offsets that might accrue on all loans under this subtitle for which loan and foreclosure proceedings have been instituted for the period of the moratorium. If a farmer or rancher does not prevail on his claim of discrimination, then the farmer or rancher will be liable for any interests and offsets that accrued during the period that the loan was in abeyance. The moratorium will terminate on either the date the Secretary resolves the discrimination claim or the court renders a final decision on the claim, whichever is earlier.

Subsection (b) Report. This section requires the Inspector General of USDA to determine whether loan foreclosure proceedings of socially disadvantaged farmers have been

implemented according to applicable laws and regulations. The Inspector General shall submit a report of its determination to the Senate and House Committees on Agriculture not later than a year after this legislation's enactment.

Sec.11052. Outreach and technical assistance for socially disadvantaged farmers and ranchers.

This provision amends Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.2279) in order to reauthorize and makes several changes to the 2501 Program for socially disadvantaged farmers and ranchers. First, it changes the program requirements to provide a stronger focus on improving the participation of socially disadvantaged farmers in existing USDA programs and also clarifies that grants provided under this section shall be made to organizations with a demonstrated track record of improving such participation. Second, it streamlines program administration by giving the Secretary of Agriculture the authority to renew contracts for existing grantees which have demonstrated an ability to meet program requirements. Third, it requires the Secretary to promulgate regulations establishing criteria for grants under this program. Fourth, it requires the Secretary, within 18 months of enactment, to co-locate the 2501 Program and the Office of Outreach.

Sec.11053. Additional contracting authority.

Sec. 11053 amends Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)).

This section clarifies that the agencies and programs of the Department of Agriculture are authorized to enter into contracts and cooperative agreements with community-based organizations to provide service to socially-disadvantaged farmers and ranchers, clarifies that the Secretary is not required to require matching funds for such agreements, and allows federal agencies to contribute to grants or cooperative agreements made under the 2501 Program as the agency determines that contributing funds for such purpose will further the authorized programs of the contributing agency.

Sec.11054. Improved program delivery by the Department of Agriculture on Indian reservations.

Section 11054 amends 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)).

This section strikes the requirement that tribal authorities provide office space for USDA to establish program offices on Indian reservations.

Sec.11055. Accurate documentation in the census of agriculture and certain studies.

Section 11055 amends Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.2279).

This section requires the Secretary, to the maximum extent practicable, to ensure that the number, local, and economic contributions of socially disadvantaged farmers are accurately documented in the Census of Agriculture and studies carried out by the Economic Research Service.

Sec.11056. Improved data requirements.

Section 11056 amends Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.2279-1). Current law requires the Secretary to annually compute the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each program USDA administers for farmers and ranchers.

This section builds upon data reporting requirements first included in the 2002 farm bill. It requires the Secretary of Agriculture to compute the application and participation rates of socially disadvantaged farmers in USDA programs at both the state and county level. The Secretary is required to annually compile and present data gathered under this section.

Sec.11057. Receipt for service or denial of service.

Section 11057 amends Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.2279-1)(as amended by section 11056).

This section requires the Secretary of Agriculture to issue to farmers and ranchers seeking a benefit or service offered by USDA, a receipt that contains the date, place, and subject of the request as well as the action taken, not taken, or recommended to the farmer or rancher.

Sec.11058. National Appeals Division.

Section 11058 amends Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000).

This section establishes a reporting requirement that states the head of each agency shall report to the House and Senate Agriculture Committees, and post on their website information that includes a description of all cases returned to the agency by the National Appeals Division, the status of implementation of each final determination and if the final determination has not been implemented then the reason and the projected date of implementation. The reporting requirement to Congress should be every 180 days and the website should be updated not less than monthly.

Sec.11059. Farmworker Coordinator.

Section 11059 amends Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b) to provide the Secretary with the authority to establish in the Department a position of Farmworker Coordinator.

This section establishes within USDA the position of Farmworker Coordinator. This new position would provide financial and informational assistance to low-income migrant and seasonal farmworkers during times of natural disasters. Additionally, this position would be responsible for assisting farmworkers that are seeking information on how to start their own farming business.

Sec.11060. Food Safety Commission.

Section 11060 amends 21 U.S.C. 341 note; 116 Stat. 527, Section 10807 of the Farm Security and Rural Investment Act.

This section removes the contingency for appropriations for the Presidential Food Safety Commission created in the last farm bill. It also sets a deadline for the first meeting of the Commission to 6 months.

Sec.11061. Emergency grants to assist low-income migrant and seasonal farmworkers.

Section 11061 amends Section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990(42 U.S.C. 5177a).

This section authorizes \$2,000,000 in discretionary funding that the Secretary of Agriculture is authorized to use for the purpose of making grants to public agencies or other community-based organizations that provide short-term emergency family needs for low-income migrant and seasonal farmworkers during natural disasters.

Sec.11062. Grants to reduce production of methamphetamines from anhydrous ammonia.

Current law: no provision.

This section authorizes grants to assist eligible entities in reducing the amount of methamphetamine that is produced from an anhydrous ammonia fertilizer nurse tank. An eligible entity can be either a producer of an agricultural commodity, a cooperative association or a person who sells an agricultural product or chemical. The grant can be used either for a physical lock or a chemical substance.

Sec.11063. Invasive species management, Hawaii.

Current law: no provision.

This section: requires cooperation among the federal agencies involved in preventing the introduction of and controlling invasive species in the State of Hawaii; requires the development of collaborative federal and state procedures to minimize the introduction of invasive species into Hawaii, and requires a report to Congress on the development of those procedures; establishes a process for Hawaii to seek approval from the federal government to impose restrictions on the introduction or movement of invasive species or disease into the State that are in addition to federal restrictions; in the event of an emergency or imminent invasive species threat, allows Hawaii to impose restrictions of up to 2 years to prevent introduction of the threat upon approval by the federal government.

Sec.11064. Oversight and compliance.

Current law: no provision.

This section requires the Secretary of Agriculture to use the reports required under section 5 in the conduct of program oversight regarding the participation of socially disadvantaged farmers in USDA programs as well as in the evaluation of civil rights performance.

Sec.11065. Report of civil rights complaints, resolutions, and actions.

Current law: no provision.

This section requires the Secretary of Agriculture to issue an annual report on program and employment civil rights complaints, including the number of complaints filed, the length of time required to process complaints, the number of complaints resolved with a finding of discrimination, and the personnel actions taken by the agency following resolution of civil rights complaints.

Sec. 11066. Grants to improve supply, stability, safety, and training of agricultural labor force.

Current law: no provision.

Agricultural employers depend on a well-trained workforce that is capable of meeting the needs of their particular type of crop production, yet often times do not have the resources necessary to properly train and maintain that workforce. This provision directs the Secretary to make grants to nonprofit organizations to assist agricultural employers and farmworkers with services that help improve the quality of the agricultural labor force through job training, short-term housing, workplace literacy and ESL training, and health and safety instruction, among other purposes.

Sec. 11067. Interstate shipment of meat and poultry inspected by Federal and State agencies for certain small establishments

The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding the following:

Subsection (a) defines the terms appropriate state agency, designated personnel, eligible establishment, and selected establishment.

Subsection (b) provides the Secretary of Agriculture the authority to act in coordination with an appropriate state agency to ship meat and meat products in interstate commerce. Federal establishments at the time of enactment, future Federal establishments, and previous Federal establishments that have reorganized under a different name or same name are not eligible. The Secretary may select state establishments that employ less than 25 employees on average. The Secretary may develop a procedure to transition a selected establishment that consistently employs more than 25 employees to a Federal establishment. The Secretary may select a establishment that is larger than 25 employees, but less than 35 employees but these plants must transition to a Federal establishment three years after promulgation of a final rule.

Subsection (c) the Secretary shall reimburse a state for costs related to the inspection of a selected establishment not less than 60 percent of eligible costs. The Secretary may also reimburse a state for 100 percent of the eligible state costs if the selected establishment provides additional verification microbiological testing in excess of typical Federal establishments.

Subsection (d) provides authority for the Secretary to designate a Federal employee as a state coordinator for each state agency that has a state inspection program. The state coordinator will be under direct supervision of the Secretary. The state coordinator will

visit selected state inspected establishments with a frequency appropriate to ensure that these establishments are operating in a manner consistent with the Federal Meat Inspection Act. The state coordinator shall provide on a quarterly basis a report that describes the status of each selected state establishment in regard to compliance with the Federal Meat Inspection Act. If a state coordinator finds a selected state inspected establishment is in violation of the Federal Meat Inspection Act, the state coordinator shall notify the Secretary of the violation and suspend inspection.

Subsection (e) requires USDA's Inspector General not later than two years after the effective date of enactment, and not less than every two years, conduct an audit of each activity taken by the Secretary to determine compliance of this program with the law. The Government Accountability Office shall also conduct an audit of the implementation of this program.

Subsection (f) authorizes the Secretary of Agriculture to establish within the Food Safety Inspection Service (FSIS) at USDA an inspection training division to coordinate outreach, education, training and technical assistance of very small and certain small establishments.

Subsection (g) allows the Secretary to provide grants to appropriate state agencies to help establishments covered by intrastate inspection under Title III of the Federal Meat Inspection Act to transition to the new program under Title V.

Subsection (h) provides the Secretary authority in the case that he determines that a selected establishment is in violation of the Federal Meat Inspection Act. A selected establishment in violation of the Act shall be transitioned over to a Federal establishment.

Subsection (i) ensures that nothing in the new Title V of the Federal Meat Inspection Act limits the jurisdiction of the Secretary with respect to the regulation of meat and meat products.

Subsection (j) requires the Secretary to conduct public comment (including through the conduct of public meetings and hearings) and promulgate final regulations to carry out this Title.

The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by adding at the end the following:

Subsection (a) defines appropriate state agency, designated personnel, eligible establishment, and selected establishment.

Subsection (b) provides the Secretary of Agriculture the authority to act in coordination with an appropriate state agency to ship meat and meat products in interstate commerce. Federal establishments at the time of enactment, future Federal establishments, and previous Federal establishments that have reorganized under a different name or same name are not eligible. The Secretary may select state establishments that employ less than 25 employees on average. The Secretary may develop a procedure to transition a selected establishment that consistently employs more than 25 employees to a Federal establishment. The Secretary may select a establishment that is larger than 25 employees,

but less than 35 employees but these plants must transition to a Federal establishment three years after promulgation of a final rule.

Subsection (c) the Secretary shall reimburse a state for costs related to the inspection of a selected establishment not less than 60 percent of eligible costs. The Secretary may also reimburse a state for 100 percent of the eligible state costs if the selected establishment provides additional verification microbiological testing in excess of typical Federal establishments.

Subsection (d) provides authority for the Secretary to designate a Federal employee as a state coordinator for each state agency that has a state inspection program. The state coordinator will be under direct supervision of the Secretary. The state coordinator will visit selected state inspected plants with a frequency appropriate to ensure that these plants are operating in a manner consistent with the Poultry Products Inspection Act. The state coordinator shall provide on a quarterly basis a report that describes the status of each selected state establishment in regard to compliance with the Poultry Products Inspection Act. If a state coordinator finds a selected state inspected establishment is in violation of the Poultry Products Inspection Act, the state coordinator shall notify the Secretary of the violation and suspend inspection.

Subsection (e) requires USDA's Inspector General not later than two years after the effective date of enactment, and not less than every two years, conduct an audit of each activity taken by the Secretary to determine compliance of this program with the law. The Government Accountability Office shall also conduct an audit of the implementation of this program.

Subsection (f) allows the Secretary to provide grants to appropriate state agencies to help establishments covered by intrastate inspection to transition to interstate commerce.

Subsection (g) provides the Secretary authority in the case that he determines that a selected establishment is in violation of the Poultry Products Inspection Act. A selected establishment in violation of the Act shall be transitioned over to a Federal establishment.

Subsection (h) ensures that nothing in the new Title V of the Poultry Products Inspection Act limits the jurisdiction of the Secretary with respect to the regulation of meat and meat products.

Subsection (i) requires the Secretary to conduct public comment (including through the conduct of public meetings and hearings) and promulgate final regulations to carry out this Title.

Sec. 11068. Prevention and investigation of payment and fraud and error.

This section would amend the Right to Financial Privacy Act of 1978 to require financial institutions to disclose the financial records of any customer to any government authority that certifies, disburses, or collects payments, when the disclosure of such information is necessary to verify the identity of any person in connection with the issuance of a federal payment or collection of funds, or the investigation or recovery of an improper federal payment or collection of funds.

Sec. 11069. Elimination of statute of limitations applicable to collection of debt by administrative offset.

This section would eliminate the statute of limitations applicable to collection of debt by administrative offset on any debt outstanding on or after the date of enactment of this act.